

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

19-cr-178 (JLS) (JJM)

MALIK MATTHEWS,

Defendant.

DECISION AND ORDER

Defendant Malik Matthews is charged in an eight-count indictment with criminal offenses related to possession or distribution of cocaine and cocaine base, conspiracy to possess or distribute cocaine and cocaine base, and possession firearms in furtherance of a drug trafficking offense in early June 2019. *See* Dkt. 1. On September 6, 2019, United States Magistrate Judge Jeremiah J. McCarthy was designated to hear and determine, and report and recommend on, all pre-trial proceedings under 28 U.S.C. §§ 636(b)(1)(A) and (B). Dkt. 25. This case, originally assigned to United States District Judge Lawrence J. Vilaro, was reassigned to this Court on January 6, 2020. Dkt. 33.

On March 5, 2020, Matthews moved to suppress physical evidence seized from 87 Grey Street and evidence gathered from his cell phone.¹ *See* Dkt. 37, at 10 ¶¶ 10-20. The government responded in opposition to Matthews's motion on April

¹ Matthews filed several other motions, as well, but only the suppression motion remains unresolved. *See* Dkt. 37.

6, 2020. *See* Dkt. 39, at 11-15. And on April 21, 2020, Judge McCarthy issued a Report and Recommendation (“R&R”), recommending that this Court deny Matthews’s motion to suppress. Dkt. 41. Neither Matthews nor the government objected to the R&R,² and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). But a district court is not required to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Though not required to do so, this Court reviewed Judge McCarthy’s R&R, as well as the parties’ submissions to him. Based on that review and absent any objections, the Court accepts and adopts Judge McCarthy’s recommendation to deny Matthews’s motion.


² The government filed a Notice of Lack of Objections on May 6, 2020. Dkt. 43.

For the reasons stated above and in the R&R, the Court DENIES Matthews's motion to suppress (Dkt. 37).

The parties shall appear before this Court on June 2, 2020, at 10:00 a.m. for a status conference to set a trial date.

SO ORDERED.

Dated: May 28, 2020
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE